

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>WILLIAM HAROLD WRIGHT, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:22-CV-111</b>
	)	
<b>WARDEN HUTCHISON, et al,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on April 1, 2022, and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

In this action, Plaintiff alleges that officials at FCI McKean violated his Eighth Amendment right to be free from cruel and unusual punishment. Plaintiff claims that he was placed on disciplinary sanction which included mattress restriction for sixty days. Additionally, Plaintiff alleges he was denied adequate toilet paper, cleaning supplies, and hot showers, and that he was prevented from obtaining medical care. ECF No. 9. Defendants are Warden Hutchison, UDC Team Officers Gabriel and Ezzolo, and Lt. Blankenship of FCI McKean. Plaintiff is no longer incarcerated at FCI McKean having been transferred to FCI Otisville.

On May 12, 2023, Plaintiff filed a motion for temporary restraining order, which this Court liberally construes as seeking release from his current housing assignment in the Special Housing Unit at FCI Otisville. ECF No. 51.

On June 6, 2023, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that Plaintiff's motion be denied because the request for injunctive relief was wholly disconnected from the underlying claims in the complaint. ECF No. 53.

Plaintiff filed Objections to the Report and Recommendation. ECF No. 55.

"If a party objects timely to a magistrate judge's report and recommendation, the district court must 'make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

As Judge Lanzillo found, the relief that Plaintiff seeks by way of a temporary restraining order is wholly unrelated to the underlying legal claims in Plaintiff's complaint in this case. This is fatal to Plaintiff's request for injunctive relief in this case.<sup>1</sup> Moreover, FCI-Otisville, where Plaintiff is currently incarcerated, is outside the jurisdiction of this Court.

After *de novo* review of the complaint, the motion for temporary restraining order, and the opposition thereto, together with the report and recommendation and objections, the following order is entered:

AND NOW, this 7th day of July, 2023;

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<sup>1</sup> A review of his Objections reveals that Plaintiff is confusing the instant action with another pending civil rights action that is not assigned to the undersigned but is assigned solely to Magistrate Judge Lanzillo. *See* C.A. 1:22-cv-150, *Wright v. CMC Allen, Counselor Ezzolo, and Case Manager Gabriel*.

IT IS ORDERED that Plaintiff's motion for temporary restraining order [ECF No. 51] is denied.

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on June 6 , 2023 [ECF No. 53] is adopted as the opinion of the court.

  
SUSAN PARADISE BAXTER  
United States District Judge